

10-25-05

Express Mail No. EV 517991665 US

AF-B621  
H19  
11-17-05

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : PINNELL, Nigel  
Serial No. : 09/641,896  
Filed : August 18, 2000  
For : SYSTEM AND METHOD FOR  
SINGLE USE PAYMENT INSTRUMENT  
Examiner : Worjloh, Jalatee  
Group Art Unit : 3621

**REPLY BRIEF**

Mail Stop Appeal Brief-Patents  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply Brief is filed under the provisions of 37 CFR 41.30 et seq. responsive to the Substitute Examiner's Answer which was filed August 23, 2005 to correct deficiencies requested by the Board in its Remand dated August 5, 2005. The Substitute Examiner's Answer does not contain a rejection designated as a new ground of rejection, and this Reply Brief is filed under 37 CFR 41.41 to request that the appeal be maintained and includes all of the items specified by MPEP 1208 with each item starting on a separate page so as to follow the other requirements of a brief as set forth in 37 CFR 4137(c).

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**GROUP 3600**

**Status Of Claims**

Claims 1-58 are pending and all have been rejected.

No claims have been allowed.

No claims have been withdrawn.

No claims have been canceled.

Claims 1-58 are hereby appealed.

**Grounds of Rejection to be Reviewed on Appeal**

- a) Whether the Examiner's rejection of claims 1-5, 8-11, 15-17, 23, 24, 29, 30, 38-45, 56, and 57 under 35 U.S.C. § 102(e) as being anticipated by Bartoli, et al. (U.S. Patent No. 6,047,268) is proper.
- b) Whether the Examiner's rejection of claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Leher, et al. (International Publication No. WO 95/26536) is proper.
- c) Whether the Examiner's rejection of claims 12-14 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Tedesco, et al. (U.S. Patent No. 6,282,523) is proper.
- d) Whether the Examiner's rejection of claims 18 and 46 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Mori, et al. (U.S. Patent No. 6,073,839) is proper.
- e) Whether the Examiner's rejection of claims 19-22, 47, and 48 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Van Horne (European Patent No. EP 0 899 925) is proper.
- f) Whether the Examiner's rejection of claims 25-28 and 49-52 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Wolff (U.S. Patent No. 6,247,047) is proper.
- g) Whether the Examiner's rejection of claims 31-33 and 53-55 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Moore, et al. (U.S. Patent No. 6,330,575) is proper.
- h) Whether the Examiner's rejection of claim 34 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Franklin, et al. (U.S. Patent No. 5,883,810) is proper.

i) Whether the Examiner's rejection of claim 35 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Adams (European Patent No. 0 485 090 A 2) is proper.

j) Whether the Examiner's rejection of claim 36 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Tsakanikas (U.S. Patent No. 5,570,465) is proper.

k) Whether the Examiner's rejection of claim 37 under 35 U.S.C. 103(a) as being unpatentable over Bartoli, et al. (U.S. Patent No. 6,047,268) in view of Cozzi ("Embedded SQL in RPG") is proper.

l) Whether the Examiner's rejection of claim 58 under 35 U.S.C. 103(a) as being unpatentable over Linehan (U.S. Patent No. 6,327,578) in view of Bartoli, et al. (U.S. Patent No. 6,047,268) is proper.

## **Argument**

The Substitute Examiner's Answer does not contain a rejection designated as a new ground of rejection; nor was the Substitute Examiner's Answer written in response to a remand by the Board for further consideration of a rejection. Therefore, it is not believed that the Appellant is required to file a reply to the Substitute Examiner's Answer. Nevertheless, by filing this Reply Brief under 37 CFR 41.41, Appellant respectfully requests that the appeal be maintained.

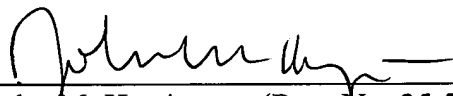
**Conclusion**

It is respectfully submitted that the rejections of claims 1-58 are improper. Applicant respectfully requests the final rejection by the Examiner be reversed and claims 1-58 be allowed.

Respectfully submitted,

Date: 10/24/05

By:

  
John M. Harrington (Reg. No. 25,592)  
For George T. Marcou (Reg. No. 33,014)

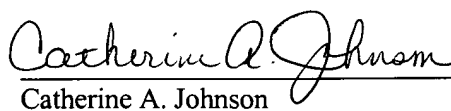
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## EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number : EV 517991665 US  
Date of Deposit : October 24, 2005  
Type of Document(s): : Reply Brief; and  
Return Postcard  
Serial No. : 09/641,896  
Filing Date : August 18, 2000

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and are addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Catherine A. Johnson